

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

October 8, 2007

There are no minutes for this date.

October 9, 2007

- C053458 THE PEOPLE v. PETERSON (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We Concur: Blease, Acting P.J.
Morrison, J.
- C054788 THE PEOPLE v. EDWARDS (Not for Publication)**
The judgment is affirmed. The trial court is directed to amend the abstract of judgment as stated in the opinion....
ROBIE, J.
We Concur: Blease, Acting P.J.
Morrison, J.
- C052127 BOLEN v. (Not for Publication)**
HAMILTON ORCHARDS et al.
The judgment is affirmed.
HULL, J.
We concur: Davis, Acting P.J.
Morrison, J.
- C052729 HERMAN v. SIMARD et al. (Not for Publication)**
The judgment is affirmed. Defendants shall recover their costs on appeal.
RAYE, J.
We concur: Sims, Acting P.J.
Davis, J.
- C053878 THE PEOPLE v. RANDALL**
BY THE COURT:
Appellant's petition for rehearing is denied.
SIMS, Acting P.J.

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Court Minutes

October 10, 2007

- C050159 THE PEOPLE v. GILBERT (Not for Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Morrison, J.
- C050649 THE PEOPLE v. TOBAR (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We Concur: Blease, Acting P.J.
Butz, J.
- C050784 THE PEOPLE v. LOPES (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We Concur: Blease Acting P.J.
Butz, J.
- C050814 THE PEOPLE v. WARREN (Not for Publication)**
The judgment is affirmed. The trial court is directed to correct the abstract of judgment. The term imposed for count one is four years, not two years....
NICHOLSON, J.
We Concur: Blease Acting P.J.
Butz, J.
- C051218 THE PEOPLE v. ROARK (Not for Publication)**
The trial court is directed to correct its October 7, 2005, minutes to note that the People's motion to dismiss the Penal Code section 667.5, subdivision (b), allegation was granted. The judgment is modified to delete any reference to the Penal Code section 667.5, subdivision (b), enhancement. The trial court shall correct the October 10, 2005, sentencing minutes accordingly. As modified, the judgment is affirmed. ...the trial court is direct to prepare an amended abstract...
CANTIL-SAKAUYE, J.
We Concur: Sims, Acting P.J.
Butz, J.

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Court Minutes

October 10, 2007, continued

- C052093 THE PEOPLE v. DENNIS (Not for Publication)**
The judgment is modified to reinstate the mandatory \$50 criminal drug laboratory analysis fee..., \$10 surcharge..., \$50 state penalty assessment \$35 county penalty assessment... and \$25 courthouse construction fee.... The judgment is further modified to award defendant 102 days of actual local custody credit, 42 days of local conduct credit ..., and 113 days of state prison credit for which authorities shall calculate any conduct or work credits, for a sum of 257 days of total custody credits. The trial court is directed to prepare an amended abstract.... As modified, the judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Morrison, J.
- C052287 THE PEOPLE v. DUNKERSON (Certified for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We Concur: Davis, Acting P.J.
Butz, J.
- C052472 THE PEOPLE v. TINKER (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Hull, J.
Butz, J.
- C053097 THE PEOPLE v. BARAJAS (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Hull, J.
Butz, J.
- C053191 THE PEOPLE v. SORIA (Not for Publication)**
The judgment is affirmed.
NICHOLSON, Acting P.J.
We Concur: Hull, J.
Cantil-Sakauye, J.

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Court Minutes

October 10, 2007, continued

- C053409 THE PEOPLE v. TURNER (Certified for Partial Publication)**
The order of probation is modified as follows: 1) the \$35 county penalty assessment is stricken; 2) probation condition number 24 is modified to state, "Not associate with persons he knows or reasonably should know to be under the age of 18 unless accompanied by a responsible adult unrelated to defendant"; and 3) probation condition number 30 is modified to state, "Not possess any sexually stimulating/oriented material having been informed by the probation officer that such material is inappropriate and/or patronize any places where such material or entertainment in the style of said material is known to be available." Finally, the court is directed to forward a copy of the corrected order to the probation authorities. As modified, the judgment is affirmed.
SIMS, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C053901 THE PEOPLE v. GARCIA (Not for Publication)**
The matter is remanded with directions that the court pronounce sentence on the mandatory five-year section 667, subdivision (1) enhancement. The judgment is affirmed in all other respects.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Butz, J.
- C054454 THE PEOPLE v. SMITH (Not for Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Nicholson, Acting P.J.
Cantil-Sakauye, J.
- C054632 THE PEOPLE v. ESTLER (Not for Publication)**
The judgment of the trial court is affirmed.
NICHOLSON, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C054986 THE PEOPLE v. HAMILTON (Not for Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Nicholson, Acting P.J.
Cantil-Sakauye, J.

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Court Minutes

October 10, 2007, continued

- C055047 THE PEOPLE v. RENNARD (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Blease, Acting P.J.
Morrison, J.
- C055306 THE PEOPLE v. HALE (Not for Publication)**
The judgment on count two is modified to three years, and with this modification the judgment is affirmed. The trial court is directed to prepare an amended abstract
DAVIS, Acting P.J.
We Concur: Raye, J.
Butz, J.
- C050992 THE PEOPLE v. FOSS**
BY THE COURT:
Appellant's petition for rehearing is denied.
NICHOLSON, Acting P.J.
- C051948 THE PEOPLE v. BROWNING**
BY THE COURT:
Appellant's petition for rehearing s denied.
BLEASE, Acting P.J.

October 11, 2007

- C049418 THE PEOPLE v. CHAVARRIA (Not for Publication)**
The sentences imposed on counts II and IV are hereby stayed pursuant to Penal Code section 654. The superior court is directed to prepare an amended abstract of judgment....
MORRISON, Acting P.J.
We Concur: Robie, J.
Butz, J.
- C052995 THE PEOPLE v. PRASAD (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Davis, Acting P.J.
Hull, J.

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Court Minutes

October 11, 2007, continued

- C053756 THE PEOPLE v. OROZCO (Not for Publication)**
The judgment is modified by striking the Penal Code section 1202.45 parole revocation fine. As modified, the judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment....
ROBIE, J.
We Concur: Davis, Acting P.J.
Butz, J.
- C054194 THE PEOPLE v. LARRISON (Not for Publication)**
The matter is remanded for the trial court to conduct a *Marsden* hearing concerning Jodea Foster. If defendant makes the required showing under *Marsden*, the court shall appoint new counsel. If defendant's *Marsden* motion is denied, the trial court shall reinstate the judgment (order of probation) as modified to provide for 200 hours rather than 300 hours of community service and to vacate the \$200 probation revocation restitution fines for the two counts of child abuse.
ROBIE, J.
We Concur: Davis, Acting P.J.
Butz, J.
- C054505 THE PEOPLE v. BEY (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Scotland, P.J.
Butz, J.
- C055003 THE PEOPLE v. DYKES (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Nicholson, J.
Cantil-Sakauye, J.
- C055244 In re JAH'SSON B.; (Not for Publication)**
SACRAMENTO COUNTY DEPARTMENT
OF HEALTH AND HUMAN SERVICES
v. ROBERT B.
The juvenile court's order is affirmed.
SIMS, J.
We Concur: Blease, Acting P.J.
Nicholson, J.

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Court Minutes

October 11, 2007, continued

C053879 THE PEOPLE v. KELLNER (Not for Publication)

THE COURT:

It is ordered that the opinion filed herein on September 14, 2007, be modified.... There is no change in the judgment. Appellant's petition for rehearing is denied.

BY THE COURT:

RAYE, Acting P.J.
MORRISON, J.
BUTZ, J.

**C052704 THE POCKET PROTECTORS
v. THE CITY OF SACRAMENTO et al;
REGIS HOMES OF NORTHERN CALIFORNIA**

BY THE COURT:

The request of real parties in interest to publish the opinion filed on September 17, 2007, is denied.

SIMS, Acting P.J.

**C052704 THE POCKET PROTECTORS
v. THE CITY OF SACRAMENTO et al;
REGIS HOMES OF NORTHERN CALIFORNIA**

BY THE COURT:

Non-party California Building Industry Association's request to publish the opinion filed on September 17, 2007, is denied.

SIMS, Acting P.J.

October 12, 2007

MISC. ORDER 2007 019

BY THE COURT:

Associate Justice George Nicholson is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 10.1004, 10.1012, and 10.1016, during the absence of the Presiding Justice from the court on October 16, 2007, through October 19, 2007, or until his return. (See Cal. Const., art. VI, §3.) The senior member of a panel of the court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

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Court Minutes

October 12, 2007, continued

- C046487 THE PEOPLE v. MORALES (Not for Publication)**
The judgment is affirmed.
ROBIE, Acting P.J.
We Concur: Butz, J.
Cantil-Sakauye, J.
- C050054 THE PEOPLE v BORBON (Not for Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Blease, Acting P.J.
Nicholson, J.
- C050651 THE PEOPLE v. CHERNOBIEFF (Not for Publication)**
Defendant's conviction for violation of Penal Code Section 245, subdivision (1)(1) is reversed and dismissed. The superior court is directed to amend the abstract of judgment.... In all other, respects, the judgment is affirmed.
MORRISON, J.
We Concur: Nicholson, Acting P.J.
Robie, J.
- C052850 THE PEOPLE v. SMITH (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Sims, Acting P.J.
Nicholson, J.
- C052960 THE PEOPLE v. BERRIDGE (Not for Publication)**
The trial court is directed to prepare a corrected abstract... for the indeterminate sentence...to reflect the minimum term of 14 years on count I, ..., and that a three-year term was imposed for the prior serious felony..., and when added to the 10-year term for the firearm enhancement, totals 13 years for the enhancements. The trial court is directed to prepare a corrected abstract of judgment for the determinate sentence.... The judgment is affirmed.
ROBIE, J.
We Concur: Davis, Acting P.J.
Butz, J.
- C053408 THE PEOPLE v. VASQUEZ (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Davis, Acting P.J.
Hull, J.

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Court Minutes

October 12, 2007, continued

- C053505 THE PEOPLE v. MAESTAS (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Davis, Acting P.J.
Butz, J.
- C053615 THE PEOPLE v. SAENTHAVYSOUK (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Blease, Acting P.J.
Nicholson, J.
- C053057 SHAW v. DONAHUE et al (Not for Publication)**
The judgment is affirmed. Respondents are awarded their costs on appeal.
HULL, Acting P.J.
We Concur: Butz, J.
Cantil-Sakauye, J.
- C053672 HER v. GALLEGOS (Not for Publication)**
The judgment is affirmed. Fong Her is awarded his costs on appeal.
BLEASE, Acting P.J.
We Concur: Raye, J.
Morrison, J.
- C055304 In re J.S.; SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY v. S.B. (Not for Publication)**
The order terminating the parental rights of appellant is affirmed.
HULL, J.
We Concur: Nicholson, Acting P.J.
Cantil-Sakauye, J.
- C055477 In re R.C.; SISKIYOU COUNTY HUMAN SERVICES DEPARTMENT v. RAYMOND C. (Not for Publication)**
The judgment (order terminating the parental rights) is affirmed.
HULL, J.
We Concur: Nicholson, Acting P.J.
Cantil-Sakauye, J.

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Court Minutes

October 12, 2007, continued

**C051124 AEROJET-GENERAL CORPORATION
v. COMMERCIAL UNION INSURANCE CORPORATION et al.
BY THE COURT:
Appellant's petition for rehearing is denied.
BLEASE, Acting P.J.**